

Russell Steven Kussman, M.D., J.D.
Judge, Los Angeles Superior Court (Ret.)
1158 26th Street, #473
Santa Monica, California 90403

July 16, 2019

Via Federal Express

Office of the General Counsel
Federal Elections Commission
1050 First Street NE
Washington, D.C. 20463

2019 JUL 02 PM 12:35
OFFICE OF
GENERAL COUNSEL

re: Amended Verified Complaint – *Kussman v. Trump*

Dear Sir or Madam:

Pursuant to 52 U.S.C. §30109(a) and 11 C.F.R. §111.4(a), I attempted to file my Verified Complaint with you on or about June 27, 2019. I received correspondence from Jeff Jordan of your office that my notarization was defective, and the document needed to be re-filed with a proper notary affirmation. I have endeavored to correct the perceived defect and am now filing an Amended Verified Complaint (which has some minor, non-substantive changes/corrections compared to the original complaint).

Therefore, enclosed please find the original Amended Verified Complaint (with attachments) relating to the presidential election of 2016, which I am filing with the Federal Election Commission. It has been verified, sworn to, and notarized. I am also enclosing three (3) copies for your convenience.

I understand from the CFR and your guidelines that you will be giving notice to the Respondents. However, if this is incorrect, please let me know. I look forward to learning what recommendations you make to the Commission, and its subsequent actions.

Thank you for your attention to this matter.

Very Truly Yours,



Russell S. Kussman, M.D., J.D.

1 Russell S. Kussman
1158 26th Street, #473
2 Santa Monica, California 90403

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4 **ENFORCEMENT DIVISION**
5 **FEDERAL ELECTION COMMISSION**
6

7
8 Russell S. Kussman,
9 Complainant,

10 vs.

11 Donald J. Trump, Jr.;
12 Paul Manafort; Jared Kushner; Donald
13 J. Trump for President, Inc.

14
15 Respondents
16

Case No.:

AMENDED VERIFIED COMPLAINT

(with attachments)

Violations of 52 U.S.C.
§30121; §30109, etc.

Violations of 11 C.F.R.
§109; §110;

Application for Injunctive Relief

52 U.S.C. §30109(a)(6)(A)&(B)

11 CFR §111.4; 11 CFR 111.19

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19 **I. INTRODUCTION**
20

21 A century-and-a-half before the United States fought a revolution to throw off the
22 shackles of a tyrannical English King, John Winthrop gave a sermon declaring that the new
23 Massachusetts Bay Colony would be a "Shining City upon a Hill," providing a light to a
24 world longing for liberty. Over 300 years later, Ronald Reagan happily agreed, stating he
25 believed there was some "divine plan that placed this great continent between two oceans
26 to be sought out by those who were possessed of an abiding lover of freedom." Our
27 Founding Fathers were wary of foreign powers and foreign influence. They drafted a
28 Constitution that required the president to be a "natural born citizen" and barred foreigners
from holding certain offices. U.S. Constitution, Art. I, §2, para. 2 and § 3, para. 3; Art. II, §1,

1 para. 5. The founders were so distrustful of monarchies that they forbid the granting of any
2 "Titles of Nobility" in the new nation, and determined that no public servant "shall ... accept
3 any present, Emolument, Office, or Title of any kind whatsoever, from any King, Prince, or
4 foreign state." U.S. Constitution, Art. I, §9, para. 8.

5 The Monroe Doctrine drew a red line that set the tone for the years to come. The
6 United States would not interfere with matters outside the Americas, and it would expect
7 European countries to refrain from creating new colonies or meddling in the affairs of the
8 New World. In other words, Monroe said to the world, "stay out of our business."

9 The fierce desire of the new nation to protect its sovereignty and autonomy has been
10 a constant thread throughout our history. This has been especially true when it comes to
11 attempts by other countries to interfere with our elections. As the Chair of the Federal
12 Election Commission, Ellen Weintraub, said recently, "This is not a novel concept...our
13 Founding Fathers sounded the alarm about 'foreign interference, intrigue, and influence.'
14 They knew that when foreign governments seek to influence American politics, it is always
15 to advance their own interests, not America's." See, [https://www.msn.com/en-
16 us/news/politics/fec-chair-responds-to-trump-saying-hed-accept-foreign-intel-on-opponent-
17 it-is-illegal/ar-AACQjaT?ocid=spartandhp](https://www.msn.com/en-us/news/politics/fec-chair-responds-to-trump-saying-hed-accept-foreign-intel-on-opponent-it-is-illegal/ar-AACQjaT?ocid=spartandhp)

18 Prohibiting foreign nations and foreign nationals¹ from participating in our democracy
19 has been a long-standing principle in both our history and our jurisprudence, endorsed by
20 all branches of government. In 1966, Congress sought to limit foreign influence over
21 American elections by prohibiting agents of foreign governments and entities from making
22 contributions to candidates. See, Pub.L. No. 89-486, § 8, 80 Stat. 244, 248-49 (1966). In
23 1974, Congress expanded that ban and barred contributions to candidates from all "foreign
24 nationals," defined as all foreign citizens except lawful permanent residents of the United
25 States. See, Federal Election Campaign Act Amendments of 1974, Pub, L. No. 93-443, §
26 101(d), 88 Stat. 1263, 1267. In 2002, Congress passed, and President George W. Bush
27 signed, legislation that...strengthened the prohibition on foreign financial involvement in
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¹ "Foreign national" means a "foreign principal" as defined by 22 U.S.C. §611(b), which includes "a government of a foreign country, a foreign political party, and a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country. 52 U.S.C. §30121(b). The term is used in that sense throughout this Complaint.

1 American elections. See Bipartisan Campaign Reform Act of 2002, Pub.L. No. 107-155,
2 §303, 116 Stat. 81, 96.²

3 Our judiciary has also recognized the danger of foreign interference and has followed
4 the lead of the legislative and executive branches. In *Bluman v. Federal Election*
5 *Commission* (2011) 800 F.Supp.2d 281, the court explained the “straightforward principle”
6 involved as follows:

7 “It is fundamental to the definition of our national political community that foreign
8 citizens do not have a constitutional right to participate in, and thus may be
9 excluded from, activities of democratic self-government. It follows, therefore, that
10 the United States has a compelling interest ... in limiting the participation of
11 foreign citizens in activities of American democratic self-government, and in
12 thereby preventing foreign influence of the U.S. political process.”

13 *Bluman, supra.* at 288 (Kavanaugh, J.), *aff’d*, 565 U.S. 1104 (2102).³

14 Our Supreme Court has weighed in, protecting the need to keep our elections free
15 from foreign influence. It opined in 1978 that “a State’s historical power to exclude aliens
16 from participation in its democratic political institutions [is] part of the sovereign’s obligation
17 to preserve the basic conception of a political community.” *Foley v. Connelie*, (1978) 435
18 U.S. 291, 295-296. The high court recognized that the “distinction between citizens and
19 aliens, though ordinarily irrelevant to private activity, is *fundamental to the definition and*
20 *government of a State...*” *Ambach v. Norwick* (1979) 441 U.S. 68, 75, cited by *Bluman,*
21 *supra.* at 287-288 [emphasis in original]. The court affirmed this basic tenet a few years
22 later, stating that the “exclusion of aliens from basic governmental processes is not a
23 deficiency in the democratic system but *a necessary consequence of the community’s*
24 *process of political self-definition.*” *Cabell v. Chavez-Salido* (1982) 454 U.S. 432, 439,
25 cited by *Bluman, supra.* at 288 [emphasis in original].

26 The courts have described the “compelling interest that justifies Congress in
27 restraining foreign nationals’ participation in American elections – namely, preventing
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29 ² Throughout this Complaint, the aforementioned statutory scheme will be alternatively referred to as
30 “The Act” or “The Code” or the “Federal Election Campaign Act (‘FECA’)” or “the Election Code.”

31 ³ Part of the analysis in *Bluman* dealt with First Amendment considerations, which are not directly
32 relevant here.

1 foreign influence over the U.S. Government...” *Bluman, supra. at 290*. Simply put, our
2 national interest and security demand that “the right to govern is reserved to citizens.”
3 *Foley, supra. at 297*.

4 In today’s world, our sovereignty is threatened from many sides – Globalization of the
5 world economy; the rise of foreign powers with anti-democratic values and systems; the
6 power of international banking institutions and the escalation of trade disputes; worldwide
7 crypto-espionage that spies on governments and businesses; and migration of refugees,
8 are just some of the factors chipping away at American autonomy and independence. Yet
9 the problems caused by all these factors combined pale in comparison to the loss of
10 liberty, freedom, and independence we would suffer if we abandon the long-held principles
11 that have protected America from foreign domination since its founding. If we ignore, or
12 even minimize, the peril inherent in allowing foreign nationals to gain influence over our
13 elections; if we fail to appreciate that foreign interference in our elections could destroy our
14 democracy, and even threaten Western civilization as we know it, then government of the
15 people, by the people, and for the people, may yet perish from the earth.⁴

16 **II. FACTUAL ALLEGATIONS**

17 Pursuant to 52 USC §30109(a) and 11 CFR §111.4, Complainant files this Verified
18 Complaint alleging that Respondents, and each of them, violated numerous provisions of
19 the Federal Election Campaign Act of 1971, as amended, and related statutes (the “Act”),
20 and multiple provisions of the FEC regulations, as set forth in 11 CFR §§100, et. seq.

21 **A. Preliminary Matters:**

22 1. The allegations contained herein are made on information and belief,
23 unless stated otherwise in the text. Many of the allegations are based upon evidence,
24 facts, and findings of Special Counsel Robert Mueller III (hereinafter “Mueller” or “the SC”),
25 as set forth in his Report (hereinafter “Mueller Report” or “MR”), released on April 18,

26
27 ⁴ In a June 27, 2019 interview with the *Financial Times*, Russian President Vladimir Putin said, “the
28 liberal idea” – the dominant western ideology since the end of WWII – has “outlived its purpose” and
“has become obsolete.” See, <https://www.ft.com/content/670039ec-98f3-11e9-9573-ee5cbb98ed36>

1 2016.⁵ In turn, the allegations in the report are based upon facts and evidence cited
2 therein, which were obtained during and through the Special Counsel's investigation.
3 Therefore, they have a sound factual foundation.⁶ The source of facts or allegations
4 obtained from other sources will be identified in the text.⁷

5 1A. The core functions of the Federal Election Commission ("FEC") include,
6 among other things, enforcing the campaign finance laws through audits, investigations,
7 and civil litigation. See, Guidelines for Complainants and Respondents on the FEC
8 Enforcement Process, p. 4.

9 2. Complainant reserves the right to amend his Complaint to add additional
10 allegations, facts, claims, and/or respondents in case additional evidence becomes
11 relevant or is discovered. He also reserves the right to add additional complainants, if
12 necessary and appropriate.

13 3. Complainant is an American citizen who is informed and believes, and
14 thereon alleges, that violations of the Federal Election Campaign Act including, but not
15 limited to, Title 52, Subtitle III – Federal Campaign Finance Act (52 U.S.C. §30101, et.
16 seq.), occurred during the 2016 presidential election campaign as a result of the acts,
17 behavior, and conduct of the respondents, and each of them.

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20 ⁵ The full (redacted) Mueller Report can be accessed at It can be accessed on Kindle at
https://www.amazon.com/s?k=Muller+report&rh=n%3A154606011&ref=nb_sb_noss

21 ⁶ The Mueller Report states that it "describes actions and events that the Special Counsel's office
22 found to be supported by evidence collected in [their] investigation." MR 2. However, the actual
23 underlying evidence has not been released by the Justice Department, even to Congress.

24 ⁷ When Attorney General William Barr concluded that the underlying evidence in the Mueller
25 Report did not reach the threshold to charge the president with obstruction of justice, he did not
26 review the underlying evidence upon which the report was based. Instead, he "accepted the
27 statements in the report as the actual record" and accepted them as accurate. He described this
28 approach as "standard practice in which officials of the Department of Justice often rely on the
characterization of the evidence uncovered during an investigation." See, AG Barr's sworn
testimony before the Senate Judiciary Committee on 5/1/2019 at [https://thehill.com/policy/national-
security/441643-barr-says-he-didnt-review-underlying-evidence-of-mueller-report](https://thehill.com/policy/national-security/441643-barr-says-he-didnt-review-underlying-evidence-of-mueller-report)

1 Complainant is also informed and believes, and thereon alleges, that
2 respondents, and each of them, are about to commit such violations again, and that they
3 are about to occur in the upcoming 2020 presidential election campaign. Complainant's
4 standing and statutory authority to file this complaint is set forth in 52 U.S.C. §30109(a), as
5 well as 11 C.F.R. §111.4 (a).

6 4. Respondent Donald J. Trump (hereinafter "Trump") is the President of the
7 United States and was the head of his 2016 election committee "Donald J. Trump
8 Presidential Campaign Committee 2016." Donald J. Trump, Jr. is President Trump's son;
9 Jared Kushner is the President's son-in-law; and Paul Manafort served as President
10 Trump's campaign chairman from June through August 2016.

11 https://en.wikipedia.org/wiki/Paul_Manafort

12 Complainant is informed and believes, and thereon alleges, that at all times
13 relevant hereto all respondents were agents or employees of Donald J. Trump and/or his
14 2016 Presidential Campaign Committee (the "committee"), and that each and every
15 respondent was acting as an agent of each and every other respondent, within the course
16 and scope of said agency.

17 5. As used herein, "Trump" refers to both the individual who is President of
18 the United States as well as his agents who worked for his 2016 campaign (including but
19 not limited to respondents herein) – unless identified differently in the text.

20 **B. President Trump and his campaign solicited, accepted, and received**
21 **contributions, donations, or other things of value from agents of the Russian**
22 **government during the 2016 Presidential campaign, in violation of 52 U.S.C.**
23 **30121(a) and 11 C.F.R. §110.9 and §110.20**
24

15 8. The Special Counsel's investigation also established multiple contacts
16 ("links") between the Trump campaign and individuals tied to the Russian government (MR
17 66), who offered assistance to the campaign. MR 5, 173. Trump was "receptive" to these
18 offers in some instances and shied away in others. MR 173 [emphasis added].

19 9. The Special Counsel explicitly states in the Mueller Report that his
20 investigation "'established'...that the [Trump] Campaign **expected it would benefit**
21 **electorally from information stolen and released through Russian efforts...**" MR 1-2,
22 5, 183 [emphasis added].

23 10. In looking to fulfill his mandate to investigate any coordination between
24 the Russian government and the Trump campaign, the Special Counsel sought to
25 determine whether Trump's conduct was a violation of federal criminal law chargeable
26 under Department of Justice ("DOJ") guidelines. MR 8. Since he could not prove there
27 had actually been an agreement (tacit or express) between Trump and the Russian
28 government (MR 2), the SC concluded he had not established that the Trump campaign
coordinated with them in their election interference activities. MR 2. This conclusion
rested on the SC's express belief that proving coordination "require[d] **more than** the two

1 parties taking actions that were informed by or responsive to the other's actions or
2 interests." ⁸ MR 2 [emphasis added]. The SC takes pain to point out, however, that "[a]
3 statement that the investigation did not establish particular facts does not mean there was
4 no evidence of those facts." ⁹ MR 2.

9 11. On June 9, 2016, Donald J. Trump, Jr., Paul Manafort, and Jared
10 Kushner, among others, met with a Russian attorney (among others) in Trump Tower
11 expecting to receive derogatory information from the Russian government about Hillary
12 Clinton. Donald Trump Jr. had been told by an intermediary that the Russian "Crown
13 prosecutor" offered Trump some official documents and information that would incriminate
14 Clinton and her dealings with Russia as "part of Russia and its government's support to
15 Mr. Trump." MR 185. Donald Trump Jr. was also told that this involved "very high level
16 and sensitive information" that "would be very useful to [Trump Jr.'s] father." *Id.* Donald
17 Trump, Jr. responded to this offer of assistance from Russia and its government by saying,
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20 ⁸ As will be shown below, this mistaken belief was the loose thread that ultimately unraveled the
21 SC's in-depth and otherwise meticulous investigation. In truth, proving coordination requires *less*
22 *than* proving conspiracy; two parties "taking actions that were informed by or responsive to the
23 other's actions or interests" is sufficient. Under our election statutes, it is unlawful to solicit, accept
24 or receive things of value from foreign nationals that are designed to influence a federal election,
25 period. Full stop. Violations can occur without any coordination between the parties at all. See,
26 52 USC §30121(a). *A fortiori*, no agreement or conspiracy is necessary for wrongdoing to occur.

27 ⁹ The SC also points out that there were gaps in the information or testimony he did receive; that
28 he was unable to interview President Trump himself; and that some associates of the Trump
campaign deleted relevant communications using applications that feature encryption or that do
not provide for long-term retention of data or communications records. MR 10. Therefore, he
"[could not] rule out the possibility that the unavailable information would shed additional light on
(or cast in a new light) the events described in the report." *Id.*

1 "if it's what you say, I love it..." MR 110, 113, 185. The meeting took place on June 9,
2 2016 and Kushner and Manafort were invited to attend.¹⁰

15 14. Complainant is informed and believes, and thereon alleges, that when
16 respondents (including but not limited to Donald Trump, Jr., Jared Kushner, and Paul
17 Manafort), met with Russian nationals on June 9, 2016 they knew the Russians had
18 promised to provide very high level and sensitive information (e.g., "opposition research")
19 on Hillary Clinton that would be damaging to her campaign and useful to Trump. This was
20 a "thing of value" to Trump. The law explicitly prohibits foreign nationals from expressly or
21 impliedly making such promises and/or providing such things of value in connection with
any federal campaign. 52 USC §30121(a)(1); 11 CFR §110.20(b).

22 15. The law also provides that it is unlawful for anyone to "solicit" a thing of
23 value from a foreign national in connection with a federal campaign.¹¹ 52 USC

24 ¹⁰ Manafort (unlike most in Trump's inner circle) was an experienced political operative with a long
25 history in election campaigns. In making arrangements for the June 9 meeting, he allegedly
26 warned the group that the meeting likely would not yield vital information and "they should be
27 careful." MR 115.

28 ¹¹ "Solicit" means to "ask, request, or recommend, explicitly or implicitly, that another person make
a contribution, donation, transfer of funds, or otherwise provide anything of value." Construed as

1 §30121(a)(2); 11 CFR §110.20(g). Here, Donald Trump, Jr. agreed to set up the meeting
2 in response to Russian promises to provide “dirt” on Hillary Clinton. By replying “I love it,”
3 Donald Trump, Jr. not only confirmed that the “dirt” was a “thing of value,” he also sent a
4 clear message soliciting that “thing of value” from the Russians. Complainant alleges that
5 the above conduct constitutes a knowing solicitation of a thing of value from a foreign
6 national, in violation of 52 UCS §30121(a)(2) and 11 CFR §110.20(g).

7 Complainant further alleges that no one in the Trump campaign notified the
8 FBI or any other law enforcement or national security agency about the June 9 Trump
9 Tower meeting that took
10 place during the 2016 campaign – even though they were illegal and designed to
11 undermine a federal election for president. In fact, the Trump campaign officials (identified
12 in paragraph 14, above) actually chose to participate in the meeting hoping to receive
13 something of value from the Russians, in violation of 52 USC §30121(a)(2) and 11 CFR
110.20(g). They attended knowingly and willfully.¹² This was a violation of 52 USC
30109(d)(1)(a) and gives rise to criminal penalties.

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22 reasonably understood in the context in which it is made, “a solicitation contains a clear message
23 asking, requesting, or recommending that another person ... provide anything of value.” 11 CFR
24 300.2(m); 11 CFR §300.2(m).

25 ¹² The fact that Trump campaign chairman Paul Manafort warned the participants “they should be
26 careful” at the meeting further suggests they were aware that the meeting was likely to involve
illegal activity. MR 115.

5 18. Complainant further alleges that the series of events described above in
6 paragraphs 14 demonstrate that Trump solicited assistance (e.g., things of
7 value) from foreign nationals bent on influencing the 2016 election in his favor, in violation
8 of 52 USC §30121(a)(2) and 11 CFR §110.20. In this context and under these
9 circumstances, his conduct must have been knowing and willful. Therefore, it gives rise to
10 substantial civil and criminal penalties pursuant to 52 USC §30109(a)(1).

11 19. Complainant further alleges that the series of events described above also
12 demonstrates that Trump and the Russian operatives were acting in cooperation,
13 consultation, or concert with each other during the 2016 campaign. Although not
14 necessary in order to prove wrongdoing, their actions fit the definition of “coordination”
15 found in the election regulations.¹⁴ (11 CFR 109.20(a)). They do not, however, fit the
16 definition of “conspiracy,” since conspiracy requires an agreement between the parties.¹⁵

19 ¹⁴ In the regulations, “coordinated” means “made in cooperation, consultation or concert with, or at
20 the request or suggestion of, a candidate, a candidate’s authorized committee, or a political party
21 committee.” 11 CFR §109.20 (a). An agreement or formal collaboration “is not required” in order to
22 meet the definition of coordination. 11 CFR §109.21(e).

23 ¹⁵ The SC points out that “coordination” – the term used in his Appointment Order – does not have
24 a settled definition in federal criminal law. But his team “understood” coordination to require an
25 agreement, just like conspiracy. MR 2. This is contrary to the definition in the regulations (11 CFR
26 109.20(a)), which states that no agreement or formal collaboration is required for parties to
27 coordinate their efforts. Cooperation, consultation, working in concert (or requesting or suggesting
28 that they do), is sufficient. 11 CFR §109.21(e). Since conspiracy requires an agreement but
coordination does not, the SC’s focus on conspiracy in analyzing questions of joint criminal liability
(see, MR 2) widely missed the mark. A person can violate election law *with or without* conspiracy,
coordination, cooperation, acting in concert, or having an agreement. Especially where, as here,
soliciting, accepting, or receiving illegal assistance from foreign nationals *did* occur, the law was

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clearly violated. 52 USC §30121; 11 CFR 110.20(a-i). And since the violations were knowing and willful, they give rise to criminal, as well as civil, liability. 52 USC §30121; 11 CFR 110.20(a-i).

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3 28. Complainant alleges that much of the conduct described in Section B,
4 above, also reveals coordination between the Trump campaign and the Russians.

Examples include:

8 b. Prior to June 9, 2016, discussions, correspondence, and planning
9 for a Trump Tower meeting took place between Donald Trump, Jr. and various
10 intermediaries acting on behalf of the Russian government, who promised high level and
11 sensitive information on Clinton that would damage her campaign and be useful to Trump;

12 c. Donald Trump, Jr., Jared Kushner and Paul Manafort attended the
June 9, 2016 meeting in Trump Tower;

23 29. Complainant alleges that the above examples of links between Trump and
24 Russia are more than sufficient to prove that Trump "cooperated, consulted, and/or acted
25 in concert" (i.e., "coordinated") with Russian nationals in order to obtain important
26

1 information and other things of value to influence the 2016 election in Trump's favor.

25 30. Complainant further alleges that the aforementioned examples of the
26 conduct of Trump and his campaign officials is compelling evidence that respondents not
27 only violated the prohibitions against obtaining things of value from foreign nationals in an
28 attempt to influence an American presidential campaign, but that they did so willfully and

1 knowingly,²¹ in coordination with agents of the Russian government.²²

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17 ²¹ Actual knowledge is not required. The regulations (11 CFR 110.20(a)(4)) define the term:

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Knowingly means that a person must:

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(i) Have actual knowledge that the source of the funds solicited, accepted or received is a foreign national;

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(ii) Be aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national; *or*

21

(iii) Be aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national, but the person failed to conduct a reasonable inquiry.

22

23

²² The Special Counsel identified and indicted numerous Russian operatives who were involved in either the "hacking and dumping" operation or the "social media" operation. (See, *United State of America v. Netyksho*, filed 7/13/18 and *United States of America v. Internet Research Agency*, filed 2/16/18).

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8 Complainant recently discovered that the statutes provide that “any person who
 9 believes a violation of [the] Act ... has occurred may file a complaint with the Commission.”
 10 52 USC 30109(a)(1). The applicable regulation states: “Any person who believes a
 11 violation of any statute or regulation over which the Commission has jurisdiction *has*
 12 *occurred or is about to occur* may file a complaint in writing to the General Counsel of the
 Federal Election Commission...”⁴⁰ 11 CFR 111.4(a) [italics added].

13 This verified Complaint followed.

14 **IV. PRAYER FOR RELIEF** ⁴¹

15
 16 Based upon the allegations set forth above and the applicable law, and for the
 17 reasons stated herein, Complainant requests that the Federal Election Commission take
 18 the following actions:

19 A. Determine that there is reason to believe (as well as probable cause to believe)
 20 that respondents, and each of them, have committed and/or are about to commit one or
 21 more violations of the Act, and that the Commission authorize its General Counsel to

22 ⁴⁰ In addition, Complainant learned that any party aggrieved by an order of the Commission dismissing
 23 a complaint ... or by a failure of the Commission to [timely] act on such a complaint... may file a petition
 24 with the United States District Court for the District of Columbia. 52 USC §30109(a)(8)(A). And if the
 25 court declares that the Commission’s dismissal or failure to act were contrary to law, it may direct the
 Commission to conform with the court’s declaration; failing which Complainant may bring, in his own
 name, a civil action to remedy the violation involved in the original complaint. 52 USC §30109(a)(8)(C).

26 ⁴¹ Complainant understands that the Commission has an “Enforcement Priority System” using formal,
 27 pre-determined scoring criteria to allocate agency resources and assess whether particular matters
 28 warrant further administrative enforcement proceedings. The present matter scores extremely high on
 all criteria. Complainant will include a brief synopsis of these scores at the end of the attached
 Memorandum of Points and Authorities.

1 commence a civil action for relief in a federal district court of the United States. 52 USC
2 §30109(a)(6)(A).

3 B. Determine that as a result of the conduct of respondents, and each of them, there
4 is reason to believe (as well as probable cause to believe) that one or more violations of
5 election law regulations has occurred or is about to occur (11 CFR §111.4(a)), and that the
6 Commission authorize its General Counsel to commence a civil action for relief in an
7 appropriate court of the United States. 11 CFR §111.19(b);

8 C. Require respondents, and each of them, to pay a civil penalty for violations of the
9 Act in the amounts set forth in 52 USC §30109(a)(5)(A) and/or §30109(a)(5)(B); or,
10 alternatively, pay civil penalties pursuant to 11 CFR §111.24. (Assuming that the value of
11 the "sweeping and systematic" in-kind contributions by foreign nationals in this case are
12 estimated at a very conservative \$750,000, the civil penalty under §111.24(a)(1) would be
13 \$750,000; and under subsection 11 CFR §111.24(a)(2)(i) would be \$1,500,000).

14 D. Determine that as a result of the conduct of respondents, and each of them,
15 there is reason to believe (as well as probable cause to believe) that one or more knowing
16 and willful violations of the Act which is subject to 52 USC §30109(d) has occurred, and/or
17 is about to occur, and that the Commission refer such apparent violations to the Attorney
18 General of the United States for further proceedings. 52 USC 30109(a)(5)(C);

19 E. Institute a civil action for relief, seeking both civil penalties and a permanent or
20 temporary injunction, restraining order, or any other appropriate order in the District Court
21 of the United States (52 USC §30109(a)(6)(A)) enjoining respondents, and each of them,
22 from committing violations of the Act or its regulations during the presidential campaign of
23 2020 on the grounds that there has been a proper showing that respondents and each of
24 them have committed and/or are about to commit a violation of the Act. 52 USC
§30109(a)(6)(B);

25 F. Institute a civil action for relief, seeking civil penalties from respondents, and each
26 of them, for having committed knowing and willful violations of the Act pursuant to 52 USC
27 §30109(a)(6)(C). (Assuming that the value of the "sweeping and systematic" in-kind
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1 contributions by foreign nationals in this case are estimated at a very conservative
2 \$750,000, the civil penalty under §30109(a)(6)(C) would be \$1,500,000); and,

3 G. Find that respondents, and each of them, knowingly and willfully committed one
4 or more violations of the Act which involved the making, receiving, or reporting of
5 contributions, donations, or expenditures and/or other things of value, subjecting them to
6 the fines under Title 18 of the U.S. Code [Crimes and Criminal Procedure] or imprisonment
7 for not more than 5 years, or both, as set forth in 52 USC §30109(d)(1)(A)(i).

8 **V. CONCLUSION**

9 As noted at the outset, this Complaint touches on matters at the heart of our nation.
10 We are at a crossroads moment in American history which will define the future of the
11 country. The Chair of the FEC stated recently, "Let me make something 100 percent clear
12 to the American public and anyone running for public office: It is illegal for any person to
13 solicit, accept, or receive anything of value from a foreign national in connection with a
14 U.S. election." Succinct and well-put. To maintain our sovereignty and autonomy, we
15 cannot allow foreign governments to undermine our democracy.

16 But lip-service to these high-minded platitudes and principles is not enough. To
17 honor them, we need to defend them. Or else we will lose them. It is said that as the
18 Constitutional Convention came to an end in Philadelphia a lady asked Benjamin Franklin
19 what kind of government we would have, a republic or a monarchy. He replied, "A
20 republic, madam, if you can keep it." In our long, great history – even during the Civil War
21 – Americans have never doubted the republican nature of their government. We have
22 always been sure, at our core, that we are a democratic nation. Until now.

23 Dated: 7/15/2019

RESPECTFULLY SUBMITTED,

24
25 Russell S. Kussman

26 I, Russell S. Kussman, hereby declare, swear, and affirm, under penalty of perjury
27 that the allegations, facts, and statements made in the above Amended Verified Complaint
28

1 are true of my own personal knowledge or I believe them to be true to the best of my
2 knowledge, information and belief. I have made a good faith effort to identify in the text
3 those items that are of my own personal knowledge; the remaining allegations are made
4 upon knowledge, information and belief. Sworn pursuant to 18 U.S.C. §1001.

5 Dated: 7/15/2019

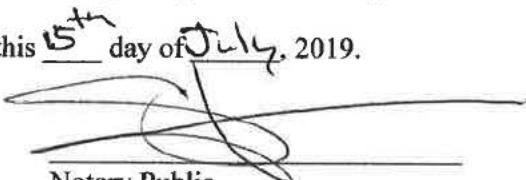
6 
7 Russell S. Kussman, Complainant

8
9
10 **COMMONWEALTH OF MASSACHUSETTS**

11 Suffolk ss.

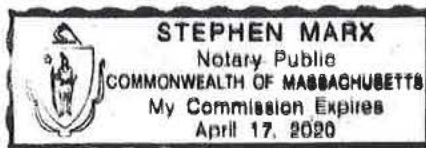
12 On this 15th day of July, 2019, before me, the undersigned notary public, personally appeared
13 Russell S. Kussman and proved to me through satisfactory evidence of identification, being driver's
14 license or other state or federal governmental document bearing a photographic image, ___ oath or
15 affirmation of a credible witness known to me who knows the above signatory, or ___ my own personal
16 knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged
17 the foregoing Amended Verified Complaint to be signed by him voluntarily for its stated purpose.

18 Subscribed and sworn to before me this 15th day of July, 2019.

19 

20 Notary Public
21 *Qualified in the Commonwealth of Massachusetts*

22 My Commission Expires: April 17, 2020



Attachment A



Office of the Deputy Attorney General
Washington, D.C. 20530

ORDER NO. 3915-2017


APPOINTMENT OF SPECIAL COUNSEL
TO INVESTIGATE RUSSIAN INTERFERENCE WITH THE
2016 PRESIDENTIAL ELECTION AND RELATED MATTERS

By virtue of the authority vested in me as Acting Attorney General, including 28 U.S.C. §§ 509, 510, and 515, in order to discharge my responsibility to provide supervision and management of the Department of Justice, and to ensure a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election, I hereby order as follows:

- (a) Robert S. Mueller III is appointed to serve as Special Counsel for the United States Department of Justice.
- (b) The Special Counsel is authorized to conduct the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including:
 - (i) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and
 - (ii) any matters that arose or may arise directly from the investigation; and
 - (iii) any other matters within the scope of 28 C.F.R. § 600.4(a).
- (c) If the Special Counsel believes it is necessary and appropriate, the Special Counsel is authorized to prosecute federal crimes arising from the investigation of these matters.
- (d) Sections 600.4 through 600.10 of Title 28 of the Code of Federal Regulations are applicable to the Special Counsel.

Date

5/17/17


Rod J. Rosenstein
Acting Attorney General

Attachment C

(Public)



U. S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 2, 2017

MEMORANDUM

FROM: Rod J. Rosenstein 
Acting Attorney General


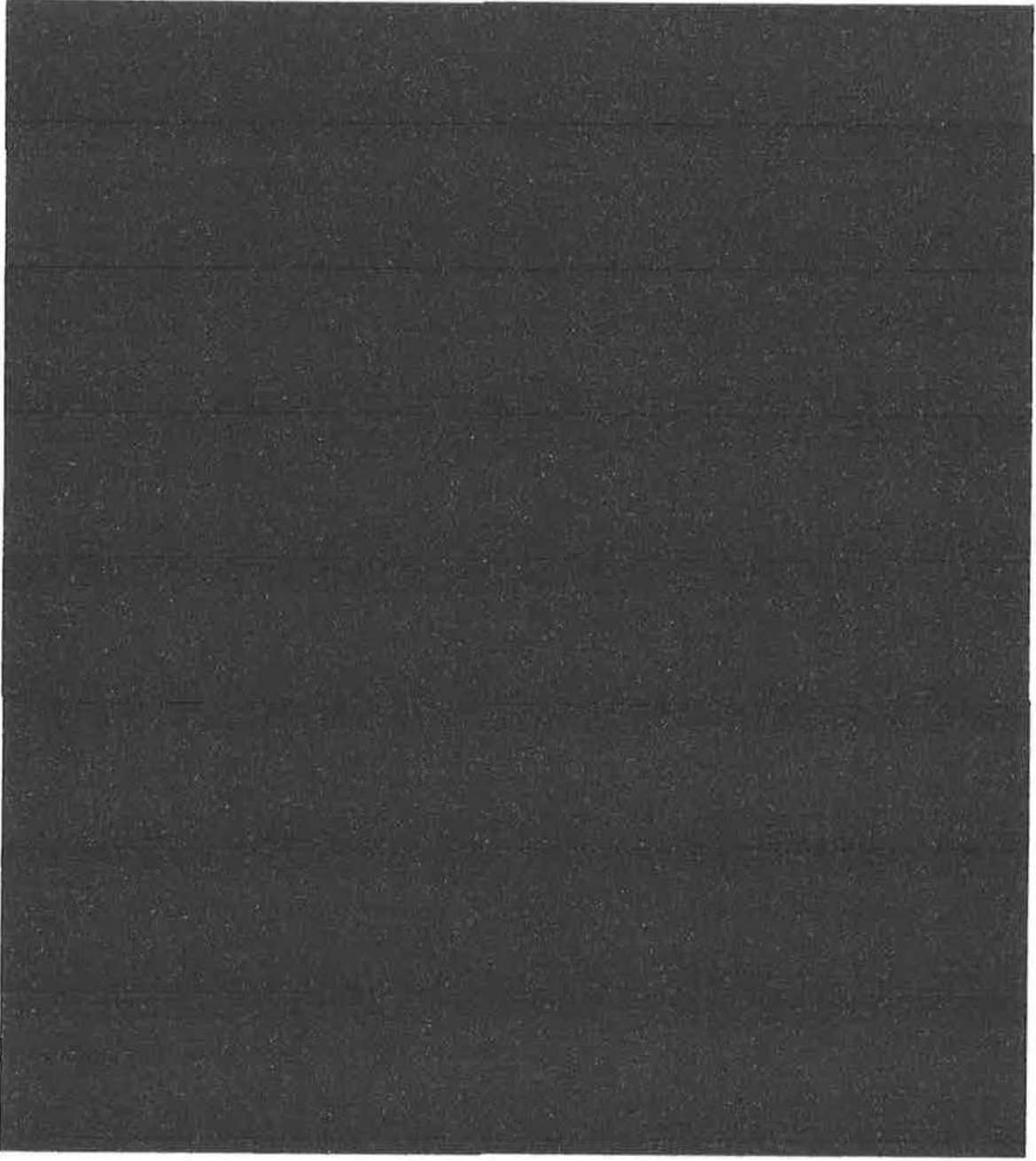
TO: Robert S. Mueller, III
Special Counsel


RE: The Scope of Investigation and Definition of Authority

On May 17, 2017, I issued an order entitled "Appointment of Special Counsel to Investigate Russian Interference with the 2016 Presidential Election and Related Matters," appointing you to serve as Special Counsel for the United States Department of Justice. Order No. 3915-2017 (the Order). The Order authorized you to conduct "the investigation confirmed by then-FBI Director James B. Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, including: (1) any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump; and (2) any matters that arose or may arise directly from that investigation" (the Investigation). Order ¶¶ (b)(i) and (ii).

The May 17, 2017 order was worded categorically in order to permit its public release without confirming specific investigations involving specific individuals. This memorandum provides a more specific description of your authority. The following allegations were within the scope of the Investigation at the time of your appointment and are within the scope of the Order:



- 
- Allegations that Paul Manafort:
 - Committed a crime or crimes by colluding with Russian government officials with respect to the Russian government's efforts to interfere with the 2016 election for President of the United States, in violation of United States law;
 - Committed a crime or crimes arising out of payments he received from the Ukrainian government before and during the tenure of President Viktor Yanukovich;
- 



You therefore have authority to continue and complete the investigation of those matters, and additional matters described in 28 C.F.R. § 600.4(a). For additional matters that otherwise may have arisen or may arise directly from the Investigation, you should consult my office for a determination of whether such matters should be within the scope of your authority.

If you determine that additional jurisdiction is necessary in order to fully investigate and resolve the matters assigned, or to investigate new matters that come to light in the course of your investigation, you should follow the procedures set forth in 28 C.F.R. § 600.4(b).

